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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HEWITT, JAMES M	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary	Application No.	Applicant(s)	
	10/679,747	TAKAYANAGI ET AL.	
	Examiner	**Art Unit**	
	James M. Hewitt	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/25/06 & 10/13/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9 and 12* is/are rejected.

7)☒ Claim(s) *1, 4-8, 10-11 and 13-14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claim 4 is allowable over the prior art. The restriction requirement between Species I and II, as set forth in the Office action mailed on 6/23/05, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 5 and 6, directed to non-elected Species II, are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Specification

The substitute specification filed 4/25/06 has been entered.

Claim Objections

Claims 1 and 4-14 are objected to because of the following informalities:

The preamble of claim 1 recites “A connection verifying device for a pipe and a connector”, thus inferring that the pipe and connector are only being functionally claimed. Yet the last three lines of the claim recite “the stop portion of an engagement window provided in the connector…”, thus positively claiming the connector, and making it unclear as to whether the connector is being claimed in combination with the device.

For examination purposes, the claim has been interpreted as if the connector is being claimed in combination with the device.

In claim 1, lines 22-23, “the connection engageable portion on the non-engageable part of the retainer means” lacks proper antecedent basis.

In claim 4, the paragraphs beginning “a generally cylindrical…”, “the pipe having…”, and “a connection verifying device…” should not be indented.

The preamble of claim 4 recites “A connection verifying structure for a pipe and a connector”, thus inferring that the pipe and connector are only being functionally claimed. Yet the body of the claim recites “a body portion mounted to the other end of the connector”, “an abutment finger…entering in the connector via the opening…one abutment finger extends to an axial position of the connection engageable portion…of the retainer means”, “the engaging portion being engaged…with a stop portion formed on…the connector”, “the stop portion…provided in the connector”, thus positively claiming the connector, and making it unclear as to whether the connector is being claimed in combination with the device. Similarly, claim 7, which depends from claim 4, positively recites the connector.

For examination purposes, the claims have been interpreted as if the connector is being claimed in combination with the device.

In claim 4, lines 18-19, "the connection engageable portion on the non-engageable part of the retainer means" lacks proper antecedent basis.

Claim 5 is awkward and confusing, particularly the phrase "a connector connecting portion engaged with the connector non-rotatably" and the phrase "a pipe connecting portion connected to a bent portion in anti-rotating relation".

In claim 6, it is unclear as to whether "opposite axial direction" is being used correctly.

In claim 6, the phrase "a pair of clip members are connected integrally each other" is awkward and confusing.

In claim 6, it is unclear as to whether "opposite end portions" is being used correctly. Note the two instances.

In claim 6, it is unclear as to whether "one axial side" is being used correctly.

In claim 9, lines 21-22, "the connection engageable portion on the non-engageable part of the retainer means" lacks proper antecedent basis.

The preamble of claim 9 recites "A connection verifying device for a pipe and a connector", thus inferring that the pipe and connector are only being functionally claimed. Yet claim 10 recites "the stop portion...provided on the connector", thus positively claiming the connector, and making it unclear as to whether the connector is being claimed in combination with the device.

For examination purposes, claim 10 has been interpreted as if the connector is being claimed in combination with the device.

The preamble of claim 12 recites “A connection verifying structure for a pipe and a connector”, thus inferring that the pipe and connector are only being functionally claimed. Yet the body of the claim recites “a body portion mounted to the other end of the connector”, “an abutment finger...entering in the connector via the opening...one end of the abutment finger extends to an axial position generally identical to an axial position of the connection engageable portion...of the retainer means”, “the engaging portion being engaged...with a stop portion formed on...the connector”, thus positively claiming the connector, and making it unclear as to whether the connector is being claimed in combination with the device. Similarly, claim 13, which depends from claim 12, positively recites the connector.

In claim 12, lines 17-18, “the connection engageable portion on the non-engageable part of the retainer means” lacks proper antecedent basis.

In claim 12, line 24, “pip” should be “pipe”.

In claim 13, line 2, “9” should be “12”.

In claim 13, line 5, “the connection” lacks proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by McNaughton et al (US 5,303,963).

With respect to claim 9, McNaughton et al discloses a connection verifying device for a pipe and a connector to verify complete mechanical connection between a generally cylindrical connector and a pipe inserted therein, the connector including a tube connecting portion (see Figure 1) on one end thereof and retainer means (38) on the other end thereof, the retainer means having a connection engageable portion and a non-engageable part on a circumferentially fixed position, the pipe including an inserting end portion formed with an annular engagement projection (48/50) on an outer peripheral surface thereof, the inserting end portion being inserted in the connector via an opening so that the annular engagement projection is snap-engaged with the connection engageable portion, the device comprising: a body portion (52) to be mounted to the other end of the connector; an abutment finger (54) protruding from the body portion in one axial direction, the abutment finger being formed to enter the connector axially via the opening; verification means constructed on the body portion and having an engaging portion (56), the engaging portion being formed to engage in the other axial direction with a stop portion (44) formed on an axially fixed portion of the connector while the body portion is mounted to the other end of the connector, the engaging portion being further formed to be positioned spaced in the other axial direction from the stop portion of the connector when the abutment finger abuts the annular engagement projection of the pipe which has not yet engaged with the connection engageable portion (see Figures 1 and 2); the abutment finger being further formed so that one end of the abutment finger extends to an axial position generally identical to an axial position of the connection engageable portion on the non-engageable part of the retainer means while the engaging portion of the verification means engages with the stop portion of the connector (see Figures 1 and 2), the abutment finger being further formed so as to move the annular engagement projection (the abutment finger(s), as they engage the tube behind and in abutting relationship with the annular projection, can be used to move the tube and thus the projection) in one axial direction with respect to the retainer means to engage the annular engagement projection with the connection engageable portion when the abutment finger moves the annular engagement projection of the pipe from the position in which said annular engagement projection has not yet engaged with the connection engageable portion of the retainer means (see Figures 1 and 2); the verification means being in a form of a stop and verification arm; and the stop and verification arm extending from the body portion in one axial direction beyond the stop portion, an engagement between the engaging portion and the stop portion being releasable by moving the stop and verification arm so as to lift up one axial end portion thereof radially outwardly.

With respect to claim 12, McNaughton et al discloses a connection verifying structure for a pipe and a connector to verify complete mechanical connection between a generally cylindrical connector and a pipe inserted therein, the connector including a tube connection portion (see Figure 1) on one end thereof and retainer means (38) on the other end thereof, the retainer means having a connection engageable portion and non-engageable parts at positions displaced circumferentially from the connection engageable portion, the pipe having an inserting end portion formed with an annular engagement projection (48/50) on an outer peripheral surface thereof, the inserting end portion being inserted in the connector via an opening so that the annular engagement projection is snap-engaged with the connection engageable portion, the structure comprising: a body portion (52) mounted to the other end of the connector; an abutment finger (54) protruding from the body portion in one axial direction, and entering in the connector via the opening, and further formed so that one end of the abutment finger extends to an axial position generally identical to an axial position of the connection engageable portion on a non-engageable part of the retainer means; verification means constructed on the body portion and having an engaging portion (56), the engaging portion being engaged in the other axial direction with a stop portion (44) formed on an axially fixed portion of the connector; the engaging portion being formed to be positioned spaced in the other axial direction from the stop portion of the connector when the abutment finger abuts the annular engagement projection of the pipe which has not yet engaged with the connection engageable portion (see Figures 1 and 2); and, the abutment finger being formed further so as to move the annular engagement projection (the abutment finger(s), as they engage the tube behind and in abutting relationship with the annular projection, can be used to move the tube and thus the projection) in one axial direction with respect to the retainer means to engage the annular engagement projection with the connection engageable portion when the abutment finger moves the annular engagement projection of the pipe from the position in which said annular engagement projection has not yet engaged with the connection engageable portion of the retainer means (see Figures 1 and 2); the verification means being in a form of a stop and verification arm; and the stop and verification arm extending from the body portion in one axial direction beyond the stop portion, an engagement between the engaging portion and the stop portion being releasable by moving the stop and verification arm so as to lift up one axial end portion thereof radially outwardly.

Claims 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Denanny (EP 0 484 690 A2).

With respect to claim 9, Denanny discloses a connection verifying device for a pipe and a connector to verify complete mechanical connection between a generally cylindrical connector and a pipe inserted therein, the connector including a tube connecting portion (14a) on one end thereof and retainer means (20) on the other end thereof, the retainer means having a connection engageable portion and a non-engageable part on a circumferentially fixed position, the pipe including an inserting end portion formed with an annular engagement projection (B) on an outer peripheral surface thereof, the inserting end portion being inserted in the connector via an opening so that the annular engagement projection is snap-engaged with the connection engageable portion, the device comprising: a body portion (16) to be mounted to the other end of the connector; an abutment finger protruding from the body portion in one axial direction, the abutment finger being formed to enter the connector axially via the opening; verification means constructed on the body portion and having an engaging portion (16b), the engaging portion being formed to engage in the other axial direction with a stop portion formed on an axially fixed portion of the connector while the body portion is mounted to the other end of the connector, the engaging portion being further formed to be positioned spaced in the other axial direction from the stop portion of the connector when the abutment finger abuts the annular engagement projection of the pipe which has not yet engaged with the connection engageable portion (see Figures 3 and 4); the abutment finger being further formed so that one end of the abutment finger extends to an axial position generally identical to an axial position of the connection engageable portion on the non-engageable part of the retainer means while the engaging portion of the verification means engages with the stop portion of the connector (see Figure 4), the abutment finger being further formed so as to move the annular engagement projection in one axial direction with respect to the retainer means to engage the annular engagement projection with the connection engageable portion when the abutment finger moves the annular engagement projection of the pipe from the position in which said annular engagement projection has not yet engaged with the connection engageable portion of the retainer means (see Figures 3 and 4); the verification means being in a form of a stop and verification arm; and the stop and verification arm extending from the body portion in one axial direction beyond the stop portion (see Figure 4), an engagement between the engaging portion and the stop portion being releasable by moving the stop and verification arm so as to lift up one axial end portion thereof radially outwardly.

With respect to claim 12, Denanny discloses a connection verifying structure for a pipe and a connector to verify complete mechanical connection between a generally cylindrical connector and a pipe inserted therein, the connector including a tube connection portion (14a) on one end thereof and retainer means (20) on the other end thereof, the retainer means having a connection engageable portion and non-engageable parts at positions displaced circumferentially from the connection engageable portion, the pipe having an inserting end portion formed with an annular engagement projection (B) on an outer peripheral surface thereof, the inserting end portion being inserted in the connector via an opening so that the annular engagement projection is snap-engaged with the connection engageable portion, the structure comprising: a body portion (16) mounted to the other end of the connector; an abutment finger protruding from the body portion in one axial direction, and entering in the connector via the opening, and further formed so that one end of the abutment finger extends to an axial position generally identical to an axial position of the connection engageable portion on a non-engageable part of the retainer means; verification means constructed on the body portion and having an engaging portion (16b), the engaging portion being engaged in the other axial direction with a stop portion formed on an axially fixed portion of the connector; the engaging portion being formed to be positioned spaced in the other axial direction from the stop portion of the connector when the abutment finger abuts the annular engagement projection of the pipe which has not yet engaged with the connection engageable portion (see Figures 3 and 4); and, the abutment finger being formed further so as to move the annular engagement projection in one axial direction with respect to the retainer means to engage the annular engagement projection with the connection engageable portion when the abutment finger moves the annular engagement projection of the pipe from the position in which said annular engagement projection has not yet engaged with the connection engageable portion of the retainer means (see Figures 3 and 4); the verification means being in a form of a stop and verification arm; and the stop and verification arm extending from the body portion in one axial direction beyond the stop portion (see Figure 4), an engagement between the engaging portion and the stop portion being releasable by moving the stop and verification arm so as to lift up one axial end portion thereof radially outwardly.

Response to Arguments

Applicant's arguments filed 8/14/06 have been fully considered but they are not persuasive.

Regarding McNaughton et al, Applicant argues that McNaughton et al fails to disclose the limitation "the stop and verification arm extending from the body portion in one axial direction beyond the stop portion, an engagement between the engaging portion and the stop portion being releasable by moving the stop and verification arm so as to lift up one axial end portion thereof radially outwardly." Examiner disagrees. As shown in Figure 2, McNaughton's engaging portion (56) extends axially beyond stop portion (44). And the engagement between the engaging portion and the stop portion is releasable by inserting a tool, such as a screwdriver, between the channel and the part (56) to move the part radially outwardly.

Regarding Denanny, Applicant argues that Denanny fails to disclose the limitation "the stop and verification arm extending from the body portion in one axial direction beyond the stop portion, an engagement between the engaging portion and the stop portion being releasable by moving the stop and verification arm so as to lift up one axial end portion thereof radially outwardly." Examiner disagrees. As shown in Figure 4, Denanny's engaging portion (16b) extends axially beyond stop portion (step portion for the groove 12a). And the engagement between the engaging portion and the stop portion is releasable by inserting a tool, such as a screwdriver, between the groove and the underside of part (16b) to move the part radially outwardly.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
10/25/06

JAMES M. HEWITT
PRIMARY EXAMINER